

Pursuant to Local Rule 7.1 (a) (1), Plaintiff's counsel conferred with Defendant's counsel and obtained concurrence on the relief requested. The parties understand that Plaintiff filed the Amended Motion for Class Certification (Doc. 7) with the Amended Class Action Complaint (Doc. 6) to avoid the potential for a dispute with Defendant regarding a potential Rule 68 tender offer to Plaintiff, or attempt to "moot" Plaintiff's individual claims, before class certification is decided. Defendant has acknowledged that Plaintiff filed this case as a putative class action and, while Defendant does not agree that a class should be certified, Defendant has agreed that it will not attempt to moot Plaintiff's claims with an individual offer before class certification is decided. Therefore, Plaintiff has agreed to withdraw the motion (Doc. 7) at this time.

Respectfully submitted,

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